



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petition for Termination of Further Proceedings and Discharge of Personal Representative (Prob. C. 12251)

DOD: 4-23-10		<p>TAMILA C. JENSON, Sister and Executor without IAEA and without bond, is Petitioner.</p> <p>Petitioner states the value of the estate was originally estimated at \$10,000.00 and was believed to consist of a claim against the estate of her prior spouse. However, it appears that claim is not viable because of various counter claims raised by the executor of the prior spouse's estate, and the impracticality of proving any such claim, as both are now deceased.</p> <p>Petitioner has diligently searched for assets but has failed to discover any property belonging to the estate that is subject to administration.</p> <p>Petitioner prays for an order terminating further proceedings and discharging Petitioner as the personal representative.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Petitioner/Executor is an attorney in Granada Hills, CA.</p> <p>1. Need proposed order.</p>	
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✓	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 2-24-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Jensen</p>	

Petition to Determine Ownership of Property

Charles E. Moore, Sr. DOD: 12-8-08		CINDY MARIE MOORE HARVEY , Daughter and Executor with full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Ellen Moore DOD: 11-12-03			
		<p>Petitioner states Decedent and his wife were residents of South Carolina. Decedent's wife Ellen Moore owned a 7.66% interest in certain real property in Fresno, and after her death in 2003, her estate was probated in South Carolina. Decedent was the sole beneficiary and this asset was listed as an asset of her estate in the South Carolina probate. Decedent assumed the property had been conveyed and treated the property as his own, including obtaining rental income. He also specifically identified the property in his own will.</p> <p>Petitioner recently discovered that no conveyance of title to the subject property was ever recorded in Fresno County; however, there can be no question that Charles E. Moore, Sr., was the legal owner and inherited it from Ellen Moore, and this it is properly part of his estate.</p> <p>Petitioner states notice was provided to the living beneficiaries of both estates and provides authority including reference to Probate Code §§ 850-859, specifically 850(a)(2)(C)-(D) and 856, regarding satisfaction of the Court for conveyance or transfer. Petitioner states there is ample evidence here and the "evident purpose" of these statutes is to "effectuate the intent of the decedent." (<i>In re Estate of Young</i> (2008) 160 Cal.App.4th 62, 92.)</p> <p>Petitioner requests an order confirming that title passed to Decedent by and through the Estate of Ellen Moore and is part of his estate.</p>	<p><u>Note: This is an ancillary proceeding concerning a 7.66% interest in certain real property in Fresno, CA. Decedent and his wife were residents of South Carolina.</u></p> <p><u>Minute Order 1-9-12:</u> Mr. Mcfarlane is appearing via conference call. Matter continued to 3-5-12.</p> <p><u>As of 2-24-12, the following issues remain:</u></p> <p>1. Petitioner states this petition is brought pursuant to Probate Code §§ 850 and <u>17200(b)</u>, which indicates that a trust is involved.</p> <p>Examiner also notes that the South Carolina Inventory and Appraisal form from Ellen Moore's probate (Exhibit D) states "BLACKSTONE REAL ESTATE PROPERTY <u>IN TRUST</u> FROM HER FATHER'S ESTATE." [<i>Emphasis added</i>].</p> <p>Probate Code §17203(b) requires notice to any person whose right, title, or interest would be affected.</p> <p><u>Need clarification:</u></p> <ul style="list-style-type: none"> - How is title of this interest in the real property currently held? - Is a trust involved, and are there any other parties whose interest in the subject property may be affected by this petition (such as Ellen Moore's relatives or other trust beneficiaries or owners of interest in the property)? <p>SEE PAGE 2</p>
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Reviewed by: skc
Reviewed on: 2-24-12
Updates:
Recommendation:
File 4 - Moore

NEEDS/PROBLEMS/COMMENTS (Continued):

2. The Court may require clarification or authority for transfer of the subject property interest within this estate rather than an ancillary proceeding of Ellen Moore's estate with notice to her relatives/heirs.

Petitioner states the parties entitled to notice pursuant to Probate Code §17203(a) are Petitioner, Stanley Moore and Paul Moore, who are this decedent's children and Ellen Moore's step-children. This decedent treated the subject property as his own and specifically devises it to his children in equal shares.

However, Examiner notes that the South Carolina probate order lists two sons of Ellen Moore, Mark East and Reggie East, both of Fresno, who were not listed. Further, Ellen Moore's will intentionally made no provision for Stanley Moore and Paul Moore, and at this time, transfer to this decedent's estate would, in essence, effectuate transfer to parties that were specifically excluded.

Update: Notice of Hearing filed 2-2-12 shows service on Mark East and Reginald Bryan East.

3. Petitioner states the South Carolina probate included the subject property and refers to the Inventory and Appraisement. However, Examiner notes that the South Carolina I&A form *incorrectly* lists the subject property as an "*In-state*" property rather than an "*Out-of-state*" property.

Since Petitioner requests conveyance based on the inclusion of the real property in that 2003 South Carolina "Informal" probate, the Court may require authority regarding whether such inclusion was appropriate.

Examiner further notes that the South Carolina "Informal" probate appears to be verification-based only and does not appear to have admitted the will or required notice to her relatives at that time.

Therefore, the Court may require clarification and/or further notice.

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990		<p>DANIEL L. SERIMIAN, Beneficiary, is Petitioner.</p> <p>Petitioner states the Sark-Daniel Trust was created for the benefit of Petitioner under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.</p> <p>DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee LIONEL M. SERIMIAN.</p> <p>Petitioner states the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, DAVID M. SERIMIAN and MARLON D. SERIMIAN, along with Petitioner's sister LESLIE A. (SERIMIAN) MORGAN are nominated as co-trustees.</p> <p>Petitioner states the trust provides that the trust shall terminate as of the latter of 12-31-05 or the date of death of the last to die of LIONEL M. SERIMIAN and DONALD M. SERIMIAN (the decedent's nephews and original co-trustees of this and the other trusts).</p> <p>Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).</p> <p>Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.</p> <p>Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.</p> <p style="text-align: center;">SEE PAGE 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>	
Lionel Serimian DOD: 1-12-08				
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	Citation			
	FTB Notice			

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioner states that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioner states this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioner) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **LESLIE A. (SERIMIAN) MORGAN**, whose interests are not adverse to Petitioner's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in APN 389-121-05 (Warehouse Property) that is used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Petitioner states that continuation of the trust is not necessary to carry out any material purpose of the trust, and five significant events or patterns of conduct warrant termination:

1. Lionel Serimian's death;
2. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
3. Donald M. Serimian's incapacity;
4. The dissention and ill-will among the parties; and
5. The tripartite co-trustee structure that would give control to parties adverse to Petitioner and lead to further erosion of the trust corpus.

Petitioner prays as follows:

1. **For an order compelling trustee Donald M. Serimian to report on matters concerning the administration of the trust and to account fully for all trust property;**
2. **For an order for surcharge of Donald M. Serimian;**
3. **For an order removing Donald M. Serimian as trustee of the trust;**
4. **For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;**
5. **For an order vesting the trust property for the benefit of Petitioner Daniel L. Serimian;**
6. **For an order terminating the trust;**
7. **For an order instructing the trustee with regard to the proper distribution of trust assets;**
8. **For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
9. **For such other orders as the court may deem just and proper.**

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

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			<p><u>CONTINUED TO 6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>
			Reviewed by:
			Reviewed on:
			Updates:
			Recommendation:
			File 5B – Sark-Daniel

5B

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990		<p>DANIEL L. SERIMIAN, beneficiary, is Petitioner.</p> <p>Petitioner states on 12-29-1978, DONALD M. SERIMIAN and LIONEL M. SERIMIAN established an irrevocable trust for the benefit of Petitioner.</p> <p>DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee LIONEL M. SERIMIAN.</p> <p>Petitioner states the trust provides that the trust shall terminate when both trustees shall for any reason fail to qualify or cease to act, and the entire estate as then constituted shall be distributed to the beneficiary.</p> <p>Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).</p> <p>Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.</p> <p>Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010.</p> <p>Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.</p> <p>The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in six parcels of land. Schedule A also listed \$3,000.00 cash from Agnes Serimian and \$3,000.00 cash from Sarkis Serimian.</p> <p>Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee DAVID M. SERIMIAN have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).</p> <p align="center"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED</u> <u>TO 6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>	
Lionel Serimian DOD: 1-12-08				
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PAGE 2 OF 2 - SUMMARY (Continued):

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 [“plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney”].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Lionel Serimian's death coupled with Donald Serimian's incapacity, in addition to Donald Serimian's numerous breaches of trust, provide the legal grounds for terminating the trust.

Petitioner prays as follows:

- 1. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;**
- 2. For an order for surcharge of trustee Donald Serimian;**
- 3. For an order removing Donald Serimian as trustee of the trust;**
- 4. For an order vesting the trust property for the benefit of Petitioner Daniel L. Serimian;**
- 5. For an order terminating the trust;**
- 6. For an order instructing the trustee with regard to the proper distribution of trust assets;**
- 7. For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
- 8. For such other orders as the court may deem just and proper.**

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

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			<p><u>CONTINUED TO 6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>
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			Recommendation:
			File 6B - Serimian

6B

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990		<p>LESLIE A. MORGAN (SERIMIAN), beneficiary, is Petitioner.</p> <p>Petitioner states on 12-29-1978, DONALD M. SERIMIAN and LIONEL M. SERIMIAN established an irrevocable trust for the benefit of Petitioner.</p> <p>DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee LIONEL M. SERIMIAN.</p> <p>Petitioner states the trust provides that the trust shall terminate when both trustees shall for any reason fail to qualify or cease to act, and the entire estate as then constituted shall be distributed to the beneficiary.</p> <p>Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).</p> <p>Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.</p> <p>Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010.</p> <p>Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.</p> <p>The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in six parcels of land. Schedule A also listed \$3,000.00 cash from Agnes Serimian and \$3,000.00 cash from Sarkis Serimian.</p> <p>Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee DAVID M. SERIMIAN have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO</u></p> <p><u>6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>	
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Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 [“plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney”].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Lionel Serimian's death coupled with Donald Serimian's incapacity, in addition to Donald Serimian's numerous breaches of trust, provide the legal grounds for terminating the trust.

Petitioner prays as follows:

- 9. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;**
- 10. For an order for surcharge of trustee Donald Serimian;**
- 11. For an order removing Donald Serimian as trustee of the trust;**
- 12. For an order vesting the trust property for the benefit of Petitioner Leslie A. Morgan (Serimian);**
- 13. For an order terminating the trust;**
- 14. For an order instructing the trustee with regard to the proper distribution of trust assets;**
- 15. For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
- 16. For such other orders as the court may deem just and proper.**

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:			NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 6-26-12</u> (Pursuant to Request by Petitioner's Counsel)
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by:			
Reviewed on:			
Updates:			
Recommendation:			
File 7B - Serimian			

7B

Sark-Leslie Trust Created 5-6-1990

Case No. 11CEPR00985

Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate, and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990		<p>LESLIE A. MORGAN (SERIMIAN) is Petitioner.</p> <p>Petitioner states the Sark-Leslie Trust was created for the benefit of Petitioner under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.</p> <p>DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee LIONEL M. SERIMIAN.</p> <p>Petitioner states the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, DAVID M. SERIMIAN and MARLON D. SERIMIAN, along with Peittioner's brother DANIEL L. SERIMIAN are nominated as co-trustees.</p> <p>Petitioner states the trust provides that the trust shall terminate as of the latter of 12-31-05 <u>or</u> the date of death of the last to die of LIONEL M. SERIMIAN and DONALD M. SERIMIAN (the decedent's nephews and original co-trustees of this and the other trusts).</p> <p>Petitioner states LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).</p> <p>Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.</p> <p>Petitioner believes DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>	
Lionel Serimian DOD: 1-12-08				
Cont. from 010312				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioner states that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioner states this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioner) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **DANIEL M. SERIMIAN**, whose interests are not adverse to Petitioner's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in APN 389-121-05 (Warehouse Property) that is used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee and DAVID M. SERIMIAN as de facto trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 [“plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney”].

Petitioner requests removal of the trustees for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Petitioner states that continuation of the trust is not necessary to carry out any material purpose of the trust, and five significant events or patterns of conduct warrant termination:

6. Lionel Serimian's death;
7. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
8. Donald M. Serimian's incapacity;
9. The dissention and ill-will among the parties; and
10. The tripartite co-trustee structure that would give control to parties adverse to Petitioner and lead to further erosion of the trust corpus.

Petitioner prays as follows:

- 10. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;**
- 11. For an order for surcharge of trustee Donald M. Serimian;**
- 12. For an order removing Donald M. Serimian as trustee of the trust;**
- 13. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;**
- 14. For an order partitioning the trust estate and vesting the trust property for the benefit of Petitioner Leslie A. Morgan;**
- 15. For an order terminating the trust;**
- 16. For an order instructing the trustee with regard to the proper division of trust assets;**
- 17. For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
- 18. For such other orders as the court may deem just and proper.**

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate, and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>CONTINUED TO 6-26-12</u></p> <p>(Pursuant to Request by Petitioner's Counsel)</p>
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by:
			Reviewed on:
			Updates:
			Recommendation:
			File 8B – Sark-Leslie

8B

Sark-Lionel Trust Created 7-10-1995

Case No. 11CEPR00986

Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)

Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)

Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian DOD: 5-6-1990		DANIEL L. SERIMIAN and LESLIE A. MORGAN , Beneficiaries, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS:
Lionel Serimian DOD: 1-12-08			
		Petitioners state the Sark-Lionel Trust was created for the benefit of their father LIONEL M. SERIMIAN under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.	<u>CONTINUED TO 6-26-12</u> (Pursuant to Request by Petitioner's Counsel)
Cont. from 010312		DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee and beneficiary LIONEL M. SERIMIAN .	
	Aff.Sub.Wit.		
✓	Verified	Petitioners state the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, DAVID M. SERIMIAN and MARLON D. SERIMIAN , along with Petitioner's sister LESLIE A. (SERIMIAN) MORGAN are nominated as co-trustees.	
	Inventory		
	PTC	Petitioners state the trust provides that the trust shall terminate as of the date of death of the beneficiary and assets be distributed to his issue, or their trusts, if in existence.	
	Not.Cred.		
✓	Notice of Hrg	Petitioners state LIONEL M. SERIMIAN died 1-12-08, and the remaining sole trustee, DONALD M. SERIMIAN , suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioners state the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).	
✓	Aff.Mail		
	Aff.Pub.	Specifically, Petitioners state that in addition to failing to terminate and distribute at Lionel's death, trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN , who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN , his other son.	
	Sp.Ntc.		
	Pers.Serv.	Petitioners believe DONALD M. SERIMIAN is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.	
	Conf. Screen		
	Letters	SEE PAGE 2	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc

Reviewed on: 12-15-11

Updates: 12-21-11

Recommendation:

File 9A – Sark-Lionel

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioners state that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioners state this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioners) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **LESLIE A. (SERIMIAN) MORGAN**, whose interests are not adverse to Petitioner Daniel's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioners state it is in the best interest of the beneficiaries that the Court terminate the trust and distribute its assets to Petitioners. (Note: Although the Trust requires distribution to the beneficiaries' trusts, if in existence, Petitioners have concurrently brought petitions (Pages 2 and 5) to terminate those trusts. Here, Petitioners seek instructions regarding distribution.)

The trust contains real and personal property located in Fresno County, specifically a 16.6667% undivided interest in four ranches and three other properties that are used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioners state DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioners in violation of the duties imposed by Probate Code §16062(a).

Petitioners state that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioners made it clear that they wanted all records preserved, accountants reviewing the information on behalf of Petitioners were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioners state these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioners state that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioners therefore believe that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioners' request to preserve.

Petitioners state that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioners request the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioners also state DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioners request an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioners request that the Court award attorneys' fees to Petitioners based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 [“plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney”].

Petitioners request removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioners state the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioners request an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409.

Although Lionel Serimian's death alone provides the legal basis for terminating the trust, Petitioners state four additional significant events or patterns of conduct further warrant termination:

- 11. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;**
- 12. Donald M. Serimian's incapacity;**
- 13. The dissention and ill-will among the parties; and**
- 14. The tripartite co-trustee structure that would give control to parties adverse to Petitioners and lead to further erosion of the trust corpus.**

Petitioners pray as follows:

- 19. For an order compelling trustee Donald M. Serimian to report on matters concerning the administration of the trust and to account fully for all trust property;**
- 20. For an order for surcharge of trustee Donald M. Serimian;**
- 21. For an order removing Donald M. Serimian as trustee of the trust;**
- 22. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;**
- 23. For an order vesting the trust property for the benefit of Petitioners Daniel L. Serimian and Leslie A. Morgan;**
- 24. For an order terminating the trust;**
- 25. For an order instructing the trustee with regard to the proper distribution of trust assets;**
- 26. For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
- 27. For such other orders as the court may deem just and proper.**

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA	Reviewed by: Reviewed on: Updates: Recommendation: File 9B – Sark-Lionel	
Citation		
FTB Notice		

9B

Age: 4		GENERAL HEARING 4-18-12 PAMELA S. LOCKIE and JEFFREY D. LOCKIE, Maternal Grandmother and Step-Grandfather, are Petitioners. Father: BENJAMIN MICHAEL WALZBERG Mother: JESSICA LAUREN WALZBERG Paternal Grandfather: Michael G. Walzberg Paternal Grandmother: Sandra Walzberg Maternal Grandfather: Jim G. Perkins Sibling: Dylan Kyle Perkins Petitioners state the parents are substances abusers, generally opiate derivatives, including Oxycontin, Methadone, Opana, and Suboxone. The parents stated that they wanted to go to Arroyo Grande to “get clean: and left on 2-10-12. Gwyneth has been with Petitioners since 1-15-12. The parents had been living in a rental home owned by Petitioner’s mother for the past year, but are approx. \$12,000.00 in arrears. As a result of their irresponsible, chaotic drug-impaired lifestyles, both parents are not capable of providing a proper, safe and caring home environment for Gwyneth. The parents have stated that they wanted to leave California with Gwyneth and relocate somewhere else in the US for a fresh start to “get off drugs.” Petitioner’s state that at four years old, Gwyneth needs proper care and protection that her parents cannot provide.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temporary petition at least five court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice on: - Benjamin Michael Walzberg (Father) - Jessica Lauren Walzberg (Mother)	
DOB: 5-7-07				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc

Reviewed on: 2-24-12

Updates:

Recommendation:

File 10 - Walzberg

Age: 36 years
DOB: 4/19/1975

ROSEMARIE A. SWEARINGEN

and **MAILE MOORE**, were
appointed co-Conservators of the
person and estate on 12/20/1993.

First account was due 12/20/1994.

Court Investigator JoAnn Morris'
Report filed on 8/30/11 states
although the conservatorship is of the
person and estate there are no assets in
the conservatorship.

NEEDS/PROBLEMS/COMMENTS:

1. Need current status report or first account.

Cont. from 121211

Aff.Sub.Wit.

Verified

Inventory

PTC

Not.Cred.

Notice of
Hrg

Aff.Mail

Aff.Pub.

Sp.Ntc.

Pers.Serv.

Conf. Screen

Letters

Duties/Supp

Objections

Video
Receipt

CI Report

9202

Order

Aff. Posting

Status Rpt

UCCJEA

Citation

FTB Notice

Reviewed by: KT

Reviewed on: 2/24/12

Updates:

Recommendation:

File 11 - Moore

Atty Gaucin, Steven R (pro per former Administrator)

Atty Kruthers, Heather H (for the Public Administrator, current Administrator of the Estate)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/2/08		<p>STEVEN GAUCIN, son, was appointed Administrator of the Estate with full IAEA and without bond on 9/16/08.</p> <p>Letters did not issue.</p> <p>At a status hearing on 9/29/11 for failure to file the inventory and appraisal and first account or petition for final distribution the court appointed the Public Administrator to represent the Estate and set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> Inventory and appraisal was filed on 1/31/12.</p>	
Cont. from 013012				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				Reviewed by: KT
				Reviewed on: 2/24/12
				Updates:
		Recommendation:		
		File 13 - Gaucin		

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. § 122200, et seq.)

		PATRICIA GREENUP was appointed Administrator with Limited IAEA without bond and Letters issued on 1-2-07.	NEEDS/PROBLEMS/COMMENTS:
DOD: 5-5-06			
		Inventory and Appraisal filed 4-27-07 reflects real property located in Clovis valued at \$175,000.00.	<p><u>Note:</u> Petitioner was previously represented by Attorney Richard C. Henderson, but pursuant to Substitution of Attorney filed 10-13-09, is now pro per.</p> <p><u>Minute Order 4-11-11:</u> Examiner notes handed to Ms. Greenup. Matter continued to 6-20-11.</p> <p><u>Minute Order 6-20-11:</u> Examiner notes provided to Ms. Greenup. Mr. Greenup advises the Court that the home is not listed for sale, but is being rented by a non-relative. He further advises that he intends to have the property re-appraised. Mr. Greenup requests a five to six months continuance. Matter continued to 1/9/12.</p> <p><u>Minute Order 1-9-12:</u> No appearances. The Court sets the matter for an Order to Show Cause Re: Failure to File the First Account on 3-5-12. The Court orders Patricia Greenup to be present on 3-5-12.</p> <p><u>As of 2-24-12, nothing further has been filed.</u></p> <p><u>The following issues remain:</u></p> <ol style="list-style-type: none"> <u>Need account current or petition for final distribution.</u> The Court may also require notice of hearing(s) to the heirs and the Dept. of Health Care Services pursuant to their Request for Special Notice.
Cont. from 041111, 062011, 010912			
Aff.Sub.Wit.			
Verified		On 2-18-11, the court set this status hearing for failure to file a first account or petition for final distribution. Notice was sent to Administrator on 2-18-11.	
Inventory			
PTC		On 4-11-11, the matter was continued to 6-20-11.	
Not.Cred.			
Notice of Hrg		On 6-20-11, Mr. Greenup advised the Court that the home is not listed for sale, but is being rented by a non-relative, and he intends to have the property re-appraised. Mr. Greenup requested a 5-6 month continuance. The matter was continued to 1-9-12.	
Aff.Mail			
Aff.Pub.		Examiner's note: Present at the hearing were Patricia Greenup and Arthur Greenup (unknown relation).	
Sp.Ntc.			
Pers.Serv.		On 1-9-12, there were no appearances. The Court set the matter for an Order to Show Cause Re: Failure to File the First Account on 3-5-12 (Page 16B). The minute order was mailed to Petitioner.	
Conf. Screen			
Letters		Nothing further has been filed.	
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			

Order to Show Cause Re: Failure to File 1st Account

DOD: 5-5-06		<p>PATRICIA GREENUP was appointed Administrator with Limited IAEA without bond and Letters issued on 1-2-07.</p> <p>Inventory and Appraisal filed 4-27-07 reflects real property located in Clovis valued at \$175,000.00.</p> <p>A status report from February 2008 indicated that the house was listed for sale and requested six months to close administration.</p> <p>On 2-18-11, the court set status hearing for failure to file a first account or petition for final distribution. Notice was sent to Administrator on 2-18-11.</p> <p>The matter was continued twice, and on 1-9-12, there were no appearances.</p> <p>The Court set this Order to Show Cause and the minute order was mailed to Petitioner on 1-13-12.</p>	NEEDS/PROBLEMS/COMMENTS:		
Aff.Sub.Wit.					
Verified					
Inventory					
PTC					
Not.Cred.					
Notice of Hrg					
Aff.Mail					
Aff.Pub.					
Sp.Ntc.					
Pers.Serv.					
Conf. Screen					
Letters					
Duties/Supp					
Objections					
Video Receipt					
CI Report					
9202					
Order					
Aff. Posting					
Status Rpt					
UCCJEA					
Citation					
FTB Notice					
			Reviewed by: skc		
			Reviewed on: 2-24-12		
			Updates:		
			Recommendation:		
			File 16B - Garza		

16B

Atty Johnson, Robert L. (pro per Petitioner/son)

Atty Johnson, Susie (pro per Petitioner/daughter-in-law)

Petition to Determine Succession to Real Property (Prob. C. 13151)

Sam DOD: 10/3/1994		ROBERT JOHNSON, son, and SUSIE JOHNSON, daughter- in-law, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
Jessie DOD: 8/29/1993			
Cont. from 010512		40 days since DOD.	<p>Continued from 1/5/12. Minute order states Examiner notes are provided to petitioners. Petitioners agree to meet with Curtis Rindlisbacher. Mr. Rindlisbacher informs the court that an amended petition will need to be filed. As of 2/24/12 the following issues remain:</p> <ol style="list-style-type: none"> 1. Petition includes two decedents. A separate petition is needed for each decedent. Therefore need this petition to be amended to include only one of the decedent's and another petition to be filed for the remaining decedent. 2. Petition was filed using a fee waiver. Please note: prior to any order granting distribution of the property all costs of administration, including filing fees, must be paid. 3. Petition is defective in the following areas, including but not limited to: <ol style="list-style-type: none"> a. Need inventory and appraisal b. There is no attachment 11 including the legal description and decedent's interest in the property. c. #9a(3) of the petition was not answered re: issue of predeceased child. d. The petition indicates the decedents died intestate. The petition also indicates that both petitioners succeed to the property. Pursuant to intestate succession only Robert succeeds to the property therefore only Robert should petition.
Aff.Sub.Wit.		No other proceedings	
✓ Verified		I & A – NEED	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 2/24/12
			Updates:
			Recommendation:
			File 18 - Johnson